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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**UNITED STATES OF AMERICA**

**3:20-cr-00460-MO**

**v.**

**GOVERNMENT’S RULE 48(a) MOTION  
TO DISMISS THE INDICTMENT WITH  
PREJUDICE**

**WILLIAM GRANT REULAND,**

**Defendant.**

This government asks the Court to dismiss the pending indictment with prejudice because the defendant has pled guilty and been sentenced for the same conduct in state court.

Rule 48(a) permits the United States to dismiss an indictment “with leave of court.” This Court has “limited discretion” to deny a Rule 48(a) motion, consistent with separation-of-powers principles. *United States v. Garcia-Valencia-Valenzuela*, 232 F.3d 1003, 1007 (9th Cir. 2000).

The primary purpose for Rule 48(a)’s leave of court requirement is to “protect a defendant against prosecutorial harassment.” *Garcia-Valenzuela*, 232 F.3d at 1008. A prosecutor “must explain why the government seeks dismissal so the court may provide a check on prosecutorial behavior.” *United States v. Adamidov*, No. 01-72-BR, 2002 WL 31971836 (D. Or. 2002) (*citing*

**Motion to Dismiss**

*United States v. Hayden*, 860 F.2d 1483, 1487 (9th Cir. 1988)). If the government satisfies the court that the motion is made in good faith, the court is “duty bound” to grant it. *Hayden*, 860 F.2d at 1487.

The government seeks to dismiss this case with prejudice because the defendant pled guilty and was sentenced for the same conduct earlier this week, in Multnomah County Case No. 20-CR-48678. The government was aware of the defendant’s plan to plead guilty in state court and agreed to seek this dismissal following the defendant’s guilty plea.

Dated: November 20, 2020

Respectfully submitted,

BILLY J. WILLIAMS  
United States Attorney

/s/ Thomas S. Ratcliffe  
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